

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHRISTIAN AREZ BURTON,  
Petitioner,  
v.  
KEN CLARK,  
Respondent.

Case No. [21-cv-07564-JST](#)

**ORDER OF SERVICE; RESETTING  
BRIEFING SCHEDULE**

Petitioner has filed this action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his state court conviction from Alameda County Superior Court. Pursuant to 28 U.S.C. § 2243 and Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, Respondent is ordered to show cause why the writ should not be granted.

The Clerk shall serve electronically a copy of this order upon the Respondent and the Respondent's attorney, the Attorney General of the State of California, at the following email address: SFAWTParalegals@doj.ca.gov. The operative petition and the exhibits thereto are available via the Electronic Case Filing System for the Northern District of California.

The Court resets the briefing schedule as follows. Within **sixty (60) days** of the issuance of this order, Respondent shall file with the Court and serve on Petitioner an answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be granted. Respondent shall file with the answer and serve on Petitioner a copy of all portions of the state trial record that have been transcribed previously and that are relevant to a determination of the issues presented by the petition. If Petitioner wishes to respond to the answer, he shall do so by filing a traverse with the Court and serving it on Respondent within **thirty-five (35) days** of the date the answer is filed.

1 In the alternative, Respondent may file, within **sixty (60) days** of the issuance of this order,  
2 a motion to dismiss on procedural grounds in lieu of an answer, as set forth in the Advisory  
3 Committee Notes to Rule 4 of the Rules Governing Section 2254 Cases. If Respondent files such  
4 a motion, Petitioner shall file with the Court and serve on Respondent an opposition or statement  
5 of non-opposition within **twenty-eight (28) days** of the date the motion is filed, and Respondent  
6 shall file with the Court and serve on Petitioner a reply within **fourteen (14) days** of the date any  
7 opposition is filed.

8 **IT IS SO ORDERED.**

9 Dated: October 24, 2022

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11 JON S. TIGAR  
12 United States District Judge  
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